

**ENTERED**

August 08, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MIGUEL ROMERO, §  
§  
Plaintiff, §  
§  
VS. § CIVIL ACTION NO. 2:21-CV-00172  
§  
PAUL STEWART, *et al.*, §  
§  
Defendants. §

**ORDER ADOPTING MEMORANDUM  
AND RECOMMENDATION TO DISMISS CASE**

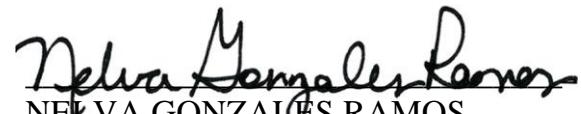
On July 5, 2022, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation to Dismiss Case” (M&R, D.E. 11). The Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 11), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1),

it is **ORDERED** that Plaintiff's civil rights action is **DISMISSED** with prejudice as frivolous until such time as Plaintiff satisfies the conditions set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994). It is further **ORDERED** that the dismissal of this case counts as a "strike" for purposes of 28 U.S.C. § 1915(g), and the Clerk of the Court is instructed to forward a copy of this Memorandum and Recommendation to the "Manager of the Three Strikes List for the Southern District of Texas" at [Three\\_Strikes@txs.uscourts.gov](mailto:Three_Strikes@txs.uscourts.gov)."

ORDERED on August 8, 2022.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE